

### **Clean Water Act (CWA)**

- Section 319
  - Provides grants to states, territories, and Tribes to address the problems caused by NPS pollution
- Section 518
  - Authorizes EPA to treat federally recognized Indian Tribes in the same manner as states and extend grants funded through Section 319

# Congressionally Authorized Funding

- CWA Section 518 originally set a funding cap on CWA Section 319 funds awarded to Tribes of 1/3 of 1 percent of available CWA Section 319 funding.
- Congress increased funding for the Tribal NPS Program from \$330,000 in FY 1997 to \$6 million in FY 2001, 2002, and 2003.
- In FY 2004, 2005, and 2006, Congress increased CWA Section 319(h) funding to Tribes to \$7,000,000.

# CWA Section 319 National Program Facts

- From 1997 to 2006, participating Tribes have increased from 11 to 114
- Participating Tribes represent more than 75% of all tribal land, approximately 40 million acres
- In 2005, 12 new Tribes joined the program
- Approval of additional programs is expected in 2006



# CWA Section 319 Funded Activities

Implementation of Tribal NPS Management Programs

- Implementation of management measures / best management practices in priority watersheds
- Local coordination and planning of watershed projects

# CWA Section 319 Funded Activities (continued)

- Information and education outreach
- Post project water quality monitoring for NPS assessments and watershed projects to measure environmental results
- Watershed-Based Plans development and implementation

### **Funding for Tribal CWA Section 319 Programs**

- Base grant
  - \$30,000 for Tribes with 1,000 square miles or
  - \$50,000 for Tribes with more than 1,000 square miles
- Competitive grants
- Up to \$150,000 to implement on-the-ground water quality improvement projects
   Funds require a 40 percent non-federal match.
   This amount can be reduced to 10 percent in cases of undue financial hardship.

#### **CWA Section 319 Program Eligibility Requirements**

Tribe must have approved by Region:

- Documentation of tribal eligibility (TAS/FAE)
- NPS Assessment Report
- NPS Management Program

#### **Tribal Eligibility**

(CWA Section 518(e))

A Tribe must demonstrate:

- Federal recognition
- Substantial governmental duties and powers
- Capability to carry out program
- Legal authority and jurisdiction
- → Essentially the same as CWA Section 106 TAS/FAE.

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#### **Tribal Eligibility**

(CWA Section 518(e))

### 1. Federal recognition

 Tribe must be Federally recognized by the Secretary of the Interior.

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### **Tribal Eligibility**

(CWA Section 518(e))

### 2. Tribal government

- Narrative statement describing how the governing body carries out its duties and powers.
  - Constitution
  - Articles of incorporation
  - Codes
  - Ordinances
  - Resolutions



#### **Tribal Eligibility**

(CWA Section 518(e))

## 3. Capability

- Narrative statement describing the Tribes capability to administer programs.
  - Previous and current general managerial experience
  - Evidence of environmental and public health concerns
  - Description of existing and proposed staff resources (include resumes of staff)
  - Description of accounting and procurement systems

## **Tribal Eligibility**

(CWA Section 518(e))

- 4. Tribal jurisdiction

  A description of the Tribes jurisdiction over the water resources on the reservation.

  Maps of the reservation and of waters over which the Tribe asserts authority

  Executive Order, Treaties, and/or Acts of Congress which established the reservation

  Statement from Tribal Attorney describing the Tribe's jurisdiction over the water resources within the reservation

  Ordinances or other documents which
  - Ordinances or other documents which demonstrate authority comparable to Section 504 of the Clean Water Act